

**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION**

UNITED STATES OF AMERICA et al.,)	Civil Action No. 9:14-cv-3699-RMG
EX REL. SCARLETT LUTZ and KAYLA)	
WEBSTER,)	HON. RICHARD M. GERGEL
<i>Plaintiffs/Relators,</i>)
v.)
LABORATORY CORPORATION OF)	JOINT/CONSENT MOTION OF THE
AMERICA HOLDINGS,)	PARTIES FOR AMENDED
<i>Defendant.</i>)
)

Plaintiffs-Relators and Defendant LabCorp have met and conferred and hereby each consent, and jointly move the Court for an Amended Scheduling Order revising the remaining Pre-Trial and Trial related deadlines in the above captioned matter. Attached hereto is the Proposed Amended Scheduling Order from the parties.

The Parties jointly propose this revised or amended schedule for the following reasons:

1. The parties are informed and believe from the United States District Court's website, Jury Selection Calendar, that the Court due to valid public health-related concerns has cancelled its May 3, 2021, jury selection.
2. The next scheduled jury selection dates for the Court are July 8 and September 1.
3. Discovery in this matter is virtually complete and no additional time for further discovery is being requested.
4. Defendant has already filed its Motion for Summary Judgment, as well as two (2) *Daubert* motions addressing the proposed expert testimony of Relators' Designated Experts, Mr. Sekaran and Mr. Petron.
5. If the Court approves the pending joint stipulation to extend the briefing schedule for two of those motions, briefing will be complete with respect to all of those motions by April 9 and April 23.
6. The Parties believe that the Court's consideration and decision with respect to these outstanding motions will inform the parties with respect to the issues ultimately for trial

and will frame the final pre-trial preparation required in a more definite and efficient manner. The requested scheduling extension will also allow additional time for the parties to explore resolution after the Court has decided these motions.

7. The Parties propose to seek a Decision by the Court at a later date on the issue of what testimony may be presented at trial by use of the video depositions as compared to the requirement for live, in-person testimony from witnesses. The Parties believe that the Court's decision on such matters will have a further impact on trial preparation and the required pre-trial disclosures from the parties.
8. The Parties request that, in view of the number of expected witnesses in the trial of this matter, the distant locations of many of those witnesses and of the various counsel involved in the case, various scheduling issues that the parties have conferred in good faith about, and the ongoing travel restrictions due to valid public health issues and concerns, the Court establish a Date Certain for the beginning of the Trial of this matter during the Court's September/October Jury Term of Court.

The Parties make these requests, not for the purpose of delay, but in the interests of fairness, efficiency and judicial economy. For these reasons, the Parties respectfully jointly request the Court grant the Motion for the Revised Scheduling Order attached and establish a Date Certain for Trial on either September 13 or October 18, 2021.

Dated: March 29, 2021

Respectfully submitted,

/s/ James Lynn Werner

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